

Exhibit 2



SOCIAL SECURITY

Received
7-20-17

Refer to:
S9H: AR9240

July 14, 2017

Mr. Michael McDougall
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

Dear Mr. McDougall:

I am responding to your April 18, 2017 Freedom of Information Act (FOIA) request for a copy of the Supplemental Security Income Displays (SSIDs) for all 433 deceased individuals listed on the three spreadsheets you provided.

I am withholding the SSIDs for all 433 individuals under the Privacy Act of 1974 (5 U.S.C. § 552a) and FOIA Exemptions 6 and 7E (5 U.S.C. § 552(b)(6) and (b)(7)(E)).

A deceased person does not have any privacy rights. However, SSIDs contain information about individuals living in the same household. The information you requested is protected by the Privacy Act of 1974 (5 U.S.C. § 552a) because it contains personally identifiable information about living people. We can disclose such information only as the Act permits. To disclose this information to a member of the public, we need the written consent of the individuals whose records are requested.

When we receive a request from a member of the public to release personal information about another individual from our records, we must balance the individual's privacy interest in withholding the information against the public interest in disclosing the information. We must determine whether disclosure would affect a personal privacy interest. Individuals clearly have a substantial personal privacy interest in the personal details furnished to the government. On the other hand, the only public interest we must consider is whether the information sought would shed light on the way an agency performs its statutory duties. We may not consider the identity of the requester or the purpose for which the information is requested. While the public has an interest in knowing how the SSA administers the Social Security Act, disclosing records containing personal information about named individuals would not shed light on how the agency performs its statutory duties. Therefore, disclosing this information would be a clearly unwarranted invasion of personal privacy, and the FOIA (5 U.S.C. § 552(b)(6)) does not require disclosure.

Exemption 7(E) exempts from mandatory disclosure records or information compiled for law enforcement purposes when production of such records "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose

guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

The FOIA is not intended to be a substitute for discovery and FOIA requesters “may not use the FOIA to circumvent the discovery process” (*Martinez v. Equal Employment Opportunity Commission*, 2004 WL 2359895 (W.D. Tex. 2004)). The FOIA is “designed to inform the public about agency action and not to benefit private litigants” (*Maricopa Audubon Society v. U.S. Forest Service*, 108 F.3d 1082 (9th Cir. 1997) *citing NLRB v. Sears, Roebuck & Co.*, 95 S.Ct. 1504, 1513 (1975))). “One’s individual interest in obtaining certain information … does not create a public interest in disclosure” (*Schiffer v. Federal Bureau of Investigation*, 78 F.3d 1405 (9th Cir. 1996) *citing Reporters Committee*, 109 S.Ct. at 1481 (1989)) and “personal interest … does not counterbalance the unwarranted invasions of personal privacy that could result from disclosure” (*Schiffer* at 1410). Public interest does not exist when the requested records “no longer [have] any interest to anyone other than the party who instigated [the request]” (*Schiffer* at 1410 *citing Hunt v. FBI*, 972 F.2d 286, 287 (9th Cir. 1992)). Finally, the “identity of the requesting party and the information he knows have “no bearing on the merits of his FOIA request” (*Schiffer* at 1411 *citing Reporters Committee* at 1481).

If you would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Your appeal must be postmarked or electronically transmitted to FOIA.Public.Liaison@ssa.gov within 90 days of the date of our response to your initial request. Please mark the envelope or subject line with “Freedom of Information Appeal.”

Sincerely,



Monica Chyn
Acting Freedom of Information Officer